

**DENTISTRY EXAMINING BOARD
REGULAR MEETING
MAY 5, 2004**

MEMBERS PRESENT: Bruce Barrette, DDS; David Carroll, RDH; Keith D. Clemence, DDS; Nanette Kosydar Dreves, RDH; Judith Ficks; Wilber Gill, DDS; Karen Jahimiak, DDS; Catherine Schleis, RDH; Arthur Srb; Richard Strand, DDS; and Lori Barbeau, DDS

STAFF PRESENT: Tom Ryan, Bureau Director; Jacquelynn Rothstein, DRL counsel to the Board; Pamela Meicher, Program Assistant; and other DOE staff for portions of the meeting

GUESTS: Michelle Mettner, Children's Hospital, Aurora; Karen Ordinans, Children's Hospital, Aurora; Catherine Faught; Dr. Geller; Dennis Engel, DDS, WDA; Mara Brooks, WDA; Shirley Gutkowski, WDHA

CALL TO ORDER

Chair Bruce Barrette, DDS, called the meeting to order at 8:37 a.m. Dr. Barrette welcomed Lori Barbeau, DDS, to the Board.

PLEDGE OF ALLEGIANCE

The Board recited the pledge of allegiance.

APPROVAL OF AGENDA

Additions to the Agenda:

Updated minutes as provide by Nanette Kosydar Dreves, RDH
John K. Syverson, DDS - stipulation
Syed Hussain, DDS – Modification of Order
Case status report

MOTION: Catherine Schleis, RDH, moved, seconded by Richard Strand, DDS, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 3, 2004

Amendments to the minutes:

Page 1 – Add Tim Bolen as a guest

MOTION: Judith Ficks moved, seconded by Karen Jahimiak, DDS, to approve the minutes as amended. Motion carried unanimously.

**PRESENTATION OF PROPOSED FINAL DECISION AND ORDER IN THE MATTER
OF DISCIPLINARY PROCEEDINGS AGAINST ZOLYA GELLER, DDS, - CASE
ADVISOR KAREN JAHIMIAK**

DOE Attorney James Polewski presented the stipulation in the matter of Zolya Geller, DDS. This matter will be deliberated on in closed session.

**PRESENTATION OF STIPULATIONS THAT MAY BE RECEIVED IN THE BUREAU
AFTER MAILING OF THE AGENDA**

DOE Attorney David Hart presented the stipulation in the matter of John K. Syverson, DDS, Case Advisor Dr. Barrette. This matter will be deliberated on in closed session.

ADMINISTRATIVE REPORT

Introduction and Welcome - Board Member Dr. Lori Barbeau:

The Bureau Director welcomed Dr. Barbeau to the Board.

DRL Efficiency and Effectiveness Initiatives – power point presentation:

Secretary Strong Hill reported that acting Deputy Secretary Sandra Rowe, Patty Hoeft, Director of Board Services, and Diane Miller, IS Systems Development Administrator, will be conducting a presentation before the Board on upcoming changes within the Department.

Diane Miller presented the new website. She went through the design of the website. Highlights included the daily calendar, publications, links to organizations relating to professions, and steps of licensing. Ms. Miller asked the Board for input on what additional information they would like to see. Dr. Barrette suggested that policy statements be published. Another suggestion was to include frequently asked questions. Ms. Ficks said that she had visited the website and thought it was user friendly and well done. She also suggested that the IT staff visit the State of Ohio website for other ideas.

Patty Hoeft reported on efficiency and effectiveness initiatives within the Department. The focus is on Board Services and the Division of Enforcement. Ms. Hoeft reported on goals, focus areas, objectives, challenges, Board Services action steps.

Objectives are to increase department and board efficiency, maximize limited staff and spending authority, improve quality of services provided to the Boards, and improve timeliness and effectiveness of case handling process. The Bureau Directors will be required to focus more time on policy analysis, research and evaluation

Sandra Rowe reported on the number of cases each staff person in the Division of Enforcement is responsible for. Ms. Rowe reported that the backlog of old cases was given the highest priority. Complaint intake, case management, and monitoring is the main focus for improvement. Ms. Rowe discussed new intake action steps, one of which is revising the complaint form to require key information. Other issues discussed were case management,

screening challenges, screening action steps, case priorities, case priorities action steps, monitoring challenges, inefficient preparation and presentation, and recommendations for improvements.

Dr. Barrette comended the presentation and questions that were addressed to the Board.

DRL Blue License Change:

Starting April 1st the blue renewal license form and the temporary license form had been changed to be the bottom third of a full-size sheet of paper. It will have horizontal and vertical perforations to remove it from the rest of the sheet. While the sizing will be a bit different for the bigger part of the license, it will be quite close in shape to what we currently have and the wallet card will be the same size. Advantages are:

1. licenses can be printed from regular laser printers;
2. several security features in the paper the Department is purchasing, including the watermark on the back and some invisible fibers;
3. ability to print one mailing address at the top of the form and a different physical address on the actual license (This is great for establishments that cannot receive mail at the actual location); and
4. additional sequence numbering allowed above the mailing address, which will help in the machine inserting process at DOA at renewal time.

DRL Staff Changes:

The Bureau Director reported that Mary Schlaefter took another position in the administration and that Sandra Rowe is currently working in her capacity. Kelly Cochran, a DOE attorney, is leaving and taking a job in another department.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, AND ADMINISTRATIVE RULES

Legal counsel noted the DEB cases in the report.

CONSCIOUS SEDATION PROPOSED RULES – REVIEW AND DISCUSSION

Dr. Barrette discussed the rules process and what happens next. The Board discussed and gave legal counsel changes to the language. Legal counsel will make the changes and the OLC will send the updated version to the Clearinghouse and schedule a hearing at the next meeting.

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Wilber Gill, DDS, to direct Jacquelynn Rothstein to make the changes, send the rule to the Clearinghouse and proceed with a hearing.. Motion carried unanimously.

DEFINITION OF DENTAL SCHOOL RULE DRAFT - REVIEW AND DISCUSSION

MOTION: Wilber Gill, DDS, moved, seconded by Karen Jahimiak, DDS, in favor of deferring the discussion of definition of dental school rule draft until the next meeting. Motion carried unanimously.

Dr. Barrette asked the Legal Counsel to bring back a revised definition for review at the next meeting.

AADE SOLICITATION FOR “CITIZEN OF THE YEAR” – BOARD DISCUSSION

No Board referrals

CRDTS REPORT AND UPDATES

Dr Strand gave the CRDTS Report. He shared the following:

- In 2004 candidates are allowed to have an interpreter in the clinic setting but not on the floor or to the evaluation;
- some examinations will be held from Thursday or Friday through Sunday based on the need to accommodate the schools;
- carries detection agents are not allowed for the examination;
- finger extensions are allowed for amalgam preps;
- a different examination will be given next year;
- the dental hygienists examination has been reweighed from 70 to 75;
- all states in the CRDTS region will hold hygienists responsible for giving anesthesia if they have had the training;
- there are four states seeking to join, or have expressed interest in joining CRDTS.

AADE REPORT

Ms. Dreves gave the AADE report. She stated that Dr. Jahimiak, Dr. Barrette, Judith Ficks and herself attended the AADE meeting held in Chicago in March. The presentation on why we need examinations was well presented. She also reported that Cindy Ripple will be inaugurated as President in September. Also addressed was the issue that all of the population should be given the same quality care. It was noted that some states' licensing requirements are less if you serve the under population. Ms. Dreves also reported that Ms. Schleis, Dr. Jahimiak, and Dr. Barrette and herself were at Marquette University last week to partake in the CRDTS examination, and that other Board representatives attended the CRDTS examinations in other states.

INFORMATIONAL ITEMS

It was noted that the Board sent a letter to Senator Carol Roessler addressing the Lee Krahenbuhl, DDS, case, and that the Screening Committee members will change in July.

MOTION: Karen Jahimiak, DDS, moved, seconded by Catherine Schleis, RDH, in favor of allowing Dr. Skarie to sit in closed session with the Board. Motion carried unanimously.

ADJOURN TO CLOSED SESSION

MOTION: Judith Ficks moved, seconded by Karen Jahimiak to adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1) (a) (b) (f) and (g) for the purpose of reviewing applications, considering requests for stays of suspension, review of second amended petition for extension of deadline to pay costs, deliberation of proposed stipulation, meeting with the Division of Enforcement and consulting with legal counsel. Roll call vote: Bruce Barrette, DDS – yes; David Carroll, RDH – yes; Keith Clemence, DDS – yes; Nanette Kosydar Dreves, RDH – yes; Judith Ficks – yes, Wilber Gill, DDS – yes; Karen Jahimiak, DDS – yes; Catherine Schleis, RDH – yes; Arthur Srb – yes, Richard Strand, DDS – yes; and Lori Barbeau, DDS – yes. Motion carried unanimously.

RECONVENE INTO OPEN SESSION

MOTION: Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, to reconvene into open session. Motion carried unanimously.

Reconvened to open session at 3:20 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

DELIBERATION OF PROPOSED FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST ZOLYA GELLER, DDS - CASE ADVISOR – DR. JAHIMIAC

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Catherine Schleis, RDH, to adopt the Stipulation, Final Decision and Order in the matter of Zolya Geller, DDS. Case Advisor, Karen Jahimiak left during deliberations and abstained. Motion carried.

KATHERINE REDEKER – APPLICATION REVIEW

MOTION: Karen Jahimiak, DDS, moved, seconded by Catherine Schleis, RDH, in favor of granting a license to Katherine Redeker. Motion carried unanimously.

**MICHAEL MECIKALSKI, DDS –
REQUESTING FULL REINSTATEMENT OF HIS LICENSE**

MOTION: Judith Ficks, moved, seconded by Nanette Kosydar Dreves, RDH, in favor of granting a full license to Michael Mecikalski, DDS. Motion carried unanimously.

SYED HUSSAIN, DDS - REQUESTING MODIFICATIONS

The Board requires additional information before any modifications are considered in the matter of Syed Hussain, DDS.

**BLAIR MOLDENHAUER, DDS - REQUESTING A THREE MONTH STAY OF SUSPENSION
AND MODIFICATIONS**

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Keith Clemence, DDS, to deny Blair Moldenhauer, DDS, his request for six month stay of suspension in the matter of Blair Moldenhauer, DDS. Motion carried unanimously.

MOTION: David Carroll, RDH, moved, seconded by Keith Clemence, DDS, to grant a three month stay of suspension in the matter of Blair Moldenhauer, DDS. Motion carried unanimously.

MOTION: Karen Jahimiak, DDS, moved, seconded by Catherine Schleis, RDH, to deny the request to reduce the urine screens from 60 to 15 times in the matter of Blair Moldenhauer, DDS. Motion carried unanimously.

MOTION: David Carroll, RDH, moved, seconded by Judith Ficks, to deny the request to reduce therapy sessions to once a month in the matter of Blair Moldenhauer, DDS. Motion carried unanimously.

MOTION: Catherine Schleis, RDH, moved, seconded by Karen Jahimiak, DDS, to deny the request of mentor review to cease in the matter of Blair Moldenhauer, DDS. Motion carried unanimously.

NILES BAKKE, DDS - REQUESTING FULL REINSTATEMENT OF HIS LICENSE

MOTION: Karen Jahimiak, DDS, moved, seconded by Keith Clemence, DDS, in favor of granting a license to Niles Bakke, DDS. Vote taken: Nanette Kosdar Dreves voted no. Motion carried.

**WILLIAM BEAUPRE, DDS - REQUESTING A THREE MONTH STAY OF
SUSPENSION AND MODIFICATIONS**

MOTION: Keith Clemence, DDS, moved, seconded by Wilber Gill, DDS, to grant a three month stay of suspension in the matter of William Beaupre, DDS. Motion carried unanimously.

MOTION: Judith Ficks, moved, seconded by Nanette Kosydar Dreves, RDH, to deny any modifications to the Board Order in the matter of William Beaupre, DDS. Motion carried unanimously.

**JOHN REED, DDS - REQUESTING A THREE MONTH STAY OF SUSPENSION AND
MODIFICATIONS**

MOTION: Karen Jahimiak, DDS, moved, seconded by Catherine Schleis, RDH, to grant a three month stay of suspension in the matter of John Reed, DDS. Motion carried unanimously.

MOTION: Richard Strand, DDS, moved, seconded by Judith Ficks, to deny the request to modify the Board Order to reduce urine screens to once a month in the matter of John Reed, DDS. Motion carried unanimously.

MOTION: Karen Jahimiak, DDS, moved, seconded by Lori Barbeau, DDS, to deny the request of John Reed, DDS, to reapply for his DEA license. Motion carried unanimously.

**JAMES MARKENSON, DDS - REQUESTING A THREE MONTH STAY OF
SUSPENSION**

MOTION: David Carroll, RDH, moved, seconded by Karen Jahimiak, DDS, to grant a three month stay of suspension in the matter of James Markeson, DDS. Motion carried unanimously.

REBECCA SWENSON, DDS - POSSIBLE VIOLATION OF THE BOARD ORDER -

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Karen Jahimiak, DDS, to deny the approval of courses in the matter of Rebecca Swenson, DDS. Motion carried unanimously.

LEE KRAHENBUHL, DDS - REVIEW OF COURSE MATERIALS AND REVIEW OF POSSIBLE MONITORS

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Judith Ficks, in favor of granting a limited license to Lee Krahenbuhl, DDS, if he provides proof of the successful completion of the records course, that Dr. Killinger agrees to be his mentor, and that he pay costs and forfeitures due. Case Advisor Richard Strand left during deliberation and abstained. Motion carried.

MOTION: Karen Jahimiak, DDS, moved, seconded by Catherine Schleis, RDH, to deny the request of Lee Krahenbuhl, DDS, to recuse Board members based on no jurisdiction in case number LS0010011DEN. Case Advisor Richard Strand left during deliberation and abstained. Motion carried.

MOTION: Wilber Gill, DDS, moved, seconded by David Carroll, RDH, to deny the request of Lee Krahenbuhl, DDS, to recuse Board members based on no jurisdiction in case number LS028121DEN. Case Advisor Richard Strand left during deliberation and abstained. Motion carried.

MOTION: Karen Jahimiak, DDS, moved, seconded by Wilber Gill, DDS, to reject the ALJ's decision in the matter of Lee Krahenbuhl, DDS, issue a variance and direct Dr. Barrette and Jacquelynn Rothstein to write a draft variance and bring it back to the next meeting. Case Advisor Richard Strand left during deliberation and abstained. Motion carried.

DELIBERATION OF PROPOSED FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST JOHN K. SYVERSON – CASE ADVISOR DR. BARRETTE

MOTION: Judith Ficks, moved, seconded by Karen Jahimiak, DDS, to adopt the Stipulation, Final Decision and Order in the matter of John K. Syverson, DDS. Case Advisor, Bruce Barrette, DDS, left during deliberations and abstained. Motion carried.

CASE STATUS REPORT

MOTION: Karen Jahimiak, DDS, moved, seconded by David Carroll, RDH, to close complaint **04 DEN 009** for no violation. Motion carried unanimously.

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Lori Barbeau, DDS, to close complaint **03 DEN 101** for no violation. Motion carried unanimously.

MOTION: Lori Barbeau, DDS, moved, seconded by Catherine Schleis, RDH, to close complaint **02 DEN 161** for P1. Motion carried unanimously.

MOTION: Karen Jahimiak, DDS, moved, seconded by Richard Strand, DDS, to close complaint **00 DEN 116** for no violation. Motion carried unanimously.

MOTION: Catherine Schleis, RDH, moved, seconded by Karen Jahimiak, DDS, to close complaint **00 DEN 015** for no violation. Motion carried unanimously.

ADJOURNMENT

MOTION: Karen Jahimiak, DDS, moved, seconded by Wilber Gill, DDS, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:32 p.m.